

REMARKS

In section 3 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by the Pike patent.

The Pike patent discloses in Figure 1 a local terminal computer memory 25 and a remote host computer memory 24, interconnected by a data link 23. Interacting computer programs reside in both the host computer 24 and the terminal 25. A communications controller program 13 and a host controller program 12 manage a communications data link 23 as well as multiple processes 10 and 21, respectively, and multiplex their communications into a single stream for transmission on the data link 23.

A layer controller program 19 at the local terminal 25 is responsible for keeping the contents and visibility of each layer correct and current in response to the execution of the layer programs 10 and 21. Each layer is kept up to date, regardless of whether it is currently visible, overlapped, or totally obscured. Users can switch focus to any layer on a screen 18 by pointing the mouse 15 at an unobstructed portion of a layer and clicking the mouse button. The images of all of the layers on the screen 18 are recorded in a bit map memory 22.

When a layer is created, a copy of the terminal simulating program 10 is associated with it in the terminal local memory 25, and a separate executing command interpreter program 21 is associated with it on the host computer 24. Thus, each user program is implemented as two cooperating programs, one that runs on the terminal 25 and one that runs on host computer 24, exchanging information via the data link 12.

Figure 2 is a front view of a terminal 30 with a screen 31 depicting three overlapping layers A, B and C as they would actually appear on the screen 31. Layers may overlap, but a set of bitmaps capable of maintaining an image of the obscured portion of a layer is always kept current. Bitmap layer A is the only unobscured layer. Layer B is partially obscured by layer A, while layer C is partially obscured by both layer A and layer B. While an operator can interact with these layers only one-at-a-time, the programs 21 continually update the bitmaps corresponding to these layers, in both the visible and obscured portions.

Independent claim 1 is directed to a method, performed at a content recipient, of executing first program code at the content recipient so as to receive content from a content provider, executing second program

code at the content recipient so as to display the content behind a session if the session is active, and executing third program code so as to display a notifier indicating that the content is available for display.

As can be seen from the above description of the Pike patent, the Pike patent does not disclose a notifier that provides an indication that the content is available for display.

Accordingly, because the Pike patent does not disclose the notifier recited in independent claim 1, independent claim 1 is not anticipated by the Pike patent.

Dependent claim 2 recites the execution of fourth program code at the content recipient so as to burn the content through the session in order to visibly display the content to a user.

In rejecting dependent claim 2, the Examiner confuses shifting the focus and burning through. When focus is shifted from the session to the content, the content is brought to the top. When the content burns through the session, the obscured portion of the content is made visible without bringing the content to the top.

Because the Pike patent discloses shifting the focus but not burning through, dependent claim 2 is not anticipated by the Pike patent.

In section 5 of the Office Action, the Examiner rejected claims 3-19, 22-50, and 53-71 under 35 U.S.C. §103(a) as being obvious over the Pike patent in view of the Stephens patent.

The Stephens patent discloses an Internet connection 110 in Figure 1. A user that wishes to access information on the Internet typically has a computer workstation 112 that executes a browser 114. The workstation 112 establishes a communication link 116 with a web server 118. When the user enters a request for information by entering commands in the browser 114, the workstation 112 sends a request for information to the web server 118. If the information is not available on the web server 118, a central link such as a backbone 126 allows the web server 118 to request the information from other web servers 120, 122, 124. The web servers 118, 120, 122, 124 transmit the requested information to the user's computer workstation 112. A display generated by the browser 114 presents the information on the computer workstation 112.

Figure 2 of the Stephens patent shows a notice system 200 that dynamically generates audible notices from an information network. The notice system 200 allows a user to customize delivery of information, provides the information in a speech-synthesized format as well as on the user' workstation display as the information becomes available, plays headline audio for new and noteworthy stories as those stories appear, presents the user with textual (typically HTML-rendered) story headlines, allows the user to select a headline to view the entire story, allows the user to subscribe and unsubscribe to data sources, and allows the user to set various preferences.

Thus, the user does not have to monitor data sources manually because the notice system 200 presents the headlines in audible format as they become available. Because of the audible headlines, the user does not have to take any action to receive up-to-date news as its appears, nor does the user have to interrupt the user's work to check data sources manually. For example, if a user subscribes to one or more services that provide world news and/or financial data sources, the notice system 200 can be configured to audibly report when the price of one or more specified stocks moves up or down by

more than a given percent as the change is published by the stock quote data source. Further, information can be output to the display associated with workstation 112 even when the window for the notice system 200 is not visible on the user's screen. When the user hears a spoken headline of interest, the user can use the display generated by the notice system 200 to access one or more hyperlinks leading to page(s) that contain the full story for the headline.

The notice system 200 also presents this news in text format in a browser window, which need not be visible when the story arrives. As the data sources post news stories, the notice system 200 announces the headlines.

The notice system 200 includes a text-to-speech engine 208, a sound player 210, a data source monitor 212, and a data source story adapter 214. The text-to-speech engine 208 includes program instructions for synthesizing speech into a standard audio format from textual input, such as markup language.

The notice system 200 allows a user to specify one or more data sources 218, 220, 222 from which to receive information, as well as one or more noteworthiness criteria for selecting stories to be

presented to the user. Thus, if a data source has a noteworthiness criterion, the notice system 200 reads a new story from that data source only if the story satisfies the criterion.

The data source monitor 212 polls data sources periodically to check the availability of new stories. The polling schedules can be fairly complex including an adaptive scheduler, which increases the polling frequency with the rate of arrival of new stories. The adaptive scheduler reduces the polling rate as the rate of arrival of new stories decreases.

Independent claim 1 is directed to a method, performed at a content recipient, of executing first program code at the content recipient so as to receive content from a content provider, executing second program code at the content recipient so as to display the content behind a session if the session is active, and executing third program code so as to display a notifier indicating that the content is available for display.

In the office action, the Examiner states that the Stephens patent, at column 6, lines 17-35, discloses that content is displayed at a content recipient behind a session.

Column 6, lines 17-35 of the Stephens patent discloses (i) that a main memory 136 includes an operating system, a configuration file, and one or more application programs with related program data, (ii) that application programs can output their results as program data in the main memory 136 or to one or more mass storage devices through a memory controller and a storage device controller 138, (iii) that a CPU 132 executes one or more programs to establish a connection to a computer network through network interface 140, (iv) that application programs may be embodied in one executable module or may be a collection of routines that are executed as required, (v) that operating systems use windows to present information, (vi) that each application program has its own window that is generated when the application program is executing, and (vii) that each window may be minimized to an icon, maximized to fill the display, overlaid in front of other windows, and underlaid behind other windows.

The Examiner goes on to state that the Stephens patent discloses, in column 7, lines 5-60, a notifier that indicates content is available for display.

Column 7, lines 5-60 of the Stephens patent discloses (i) that a notice system 200 allows a user to

customize the delivery of information, (ii) that the notice system 200 provides the information in speech-synthesized format as well as on the user's workstation display as the information becomes available, (iii) that the notice system 200 independently plays headline audio for stories as those stories appear, presents the user with textual story headlines, allows the user to select a headline to view the entire story, allows the user to subscribe and unsubscribe to data sources, and allows the user to set various preferences, (iv) that the user does not have to monitor data sources manually because the notice system 200 presents the headlines in audible format as they become available, (v) that the user does not have to take any action to receive up-to-date news as it appears and does not have to interrupt the user's work to check data sources manually, (vi) that, if a user subscribes to one or more services that provide world news and/or financial data sources, the notice system 200 can be configured to report when the price of one or more specified stocks moves up or down by more than a given percent as the change is published by the stock quote data source, (vii) that the information will be output to the display associated with the workstation 112 even when the window for the notice system 200 is not visible on

the user's screen, (viii) that when the user hears a spoken headline of interest, the user can use the display generated by the notice system 200 to access one or more hyperlinks leading to the full story for the headline, (ix) that the user can specify criteria and parameters to prioritize reported stories, (x) that program instructions can be included in the client 204 to monitor user behavior and generate criteria and parameters based on the user's previous interaction with notice system 200, (xi) that the notice system 200 also presents this news in text format in a browser window that need not be visible when the story arrives, (xii) that, as the data sources post news stories, the notice system 200 announces the headlines, (xiii) that the notice system 200 includes one or more news summary pages listing all of the recent headlines, (xiv) that each headline is a hyperlink to the web page that contains the full story, and (xv) that, optionally, summary pages may provide additional information with each headline.

As can be seen, the Stephens patent does not disclose that an audible headline is used to notify the user that content has been received and is being displayed behind a session as required by independent claim 1.

Instead, as indicated by item (vii) above, the Stephens patent discloses that information can be output to the display even when the window for the notice system 200 is not visible on the user's screen. In other words, information is displayed even though execution of the notice program 200 is in the background. There is no disclosure here that the information is displayed behind a session. Accordingly, there is no disclosure here that the audible headline notifies the user that the information has arrived. Indeed, the audible headline is merely used as an audible summary of a story that the user can listen to and determine if the user has sufficient interest in the story to warrant retrieval of the full story. (See column 1, lines 59-65.)

If so, item (viii) above indicates that the user can use the display generated by the notice system 200 to click on the hyperlink leading to the full story. Thus, there is no disclosure here that an audible headline is provided to notify the user when the full story has arrived.

Moreover, as indicated by item (xi) above, the Stephens patent discloses that the notice system 200 presents news in text format in a browser window that need not be visible when the story arrives. There is no

disclosure that an audible headline is provided to announce the arrival of this news. Indeed, the purpose of the audible headline is not to notify the user that information has arrived but rather, as discussed above, to provide a summary that the user can listen to in order to determine interest in the full story.

The Stephens patent does disclose in item (xii), immediately following item (xi), that, as the data sources post news stories, the notice system 200 announces the headlines. However, this disclosure is not connected to receipt of the full story but is only pertinent to the summary function of the audible headline.

Accordingly, as discussed above, the Pike patent does not disclose a notifier that indicates that content behind a session is available for display. Thus, the audible headline disclosed in the Stephens patent is not, as discussed above, a notifier that indicates that content behind a session is available for display. Because neither the Pike patent nor the Stephens patent discloses a notifier that indicates that content behind a session is available for display, the combination of the Pike patent and the Stephens patent would not have led

one of ordinary skill in the art to the invention of independent claim 1.

For this reason, independent claim 1 is not obvious over the Pike patent in view of the Stephens patent.

Because independent claim 1 is not obvious over the Pike patent in view of the Stephens patent, dependent claims 2-19, 22-26, 28, and 29 are not obvious over the Pike patent in view of the Stephens patent.

Independent claim 30 is directed to a computer readable storage medium that stores program code which, when executed by a computing device, automatically initiates a request to receive content from a content provider, receives the content from the content provider in response to the request, displays the content behind a session if the session is active.

The Stephens patent discloses in items (iv), (v), and (vi) above that the user does not have to monitor data sources manually because the notice system 200 presents headlines of news stories in audible format as the news stories become available. Indeed, the user does not have to take any action to receive up-to-date news as it appears and does not have to interrupt the user's work to check data sources manually.

In other words, the user does not have to manually initiate audible headlines because they are provided automatically to the user.

As can be seen, there is no disclosure in the Stephens patent that the content that is automatically requested and received is the content that is displayed behind a session if the session is active, as required by independent claim 30. Instead, the content that is automatically requested and received is the audible headline and the audible headline is displayed when received and is not displayed behind an active session.

Moreover, the Pike patent does not disclose automatically requesting and receiving content and displaying this content behind a session if the session is active, as required by independent claim 30.

Accordingly, because neither the Pike patent nor the Stephens patent discloses these features of independent claim 30, the combination of the Pike patent and the Stephens patent would not have led one of ordinary skill in the art to the invention of independent claim 30.

For this reason, independent claim 30 is not obvious over the Pike patent in view of the Stephens patent.

Because independent claim 30 is not obvious over the Pike patent in view of the Stephens patent, dependent claims 31-50 and 53-58 are not obvious over the Pike patent in view of the Stephens patent.

Independent claim 59 is directed to a method of executing first program code at a content provider so as to post content for access by a content recipient, and executing second program code at the content recipient so as to automatically (i) access the content provider, (ii) initiate receipt by the content recipient of the posted content, (iii) receive the posted content, and (iv) display the posted content behind a session if the session is active.

As discussed above, the Stephens patent discloses in items (iv), (v), and (vi) above that the user does not have to monitor data sources manually because the notice system 200 presents headlines of news stories in audible format as the news stories become available. Indeed, the user does not have to take any action to receive up-to-date news as it appears and does not have to interrupt the user's work to check data sources manually.

In other words, the user does not have to manually initiate audible headlines because they are provided automatically to the user.

As can be seen, there is no disclosure in the Stephens patent that the content that is automatically requested and received is the content that is displayed behind a session if the session is active, as required by independent claim 59. Instead, the content that is automatically requested and received is the audible headline and the audible headline is displayed when received and is not displayed behind an active session.

Moreover, the Pike patent does not disclose automatically requesting and receiving content and displaying this content behind a session if the session is active, as required by independent claim 59.

Accordingly, because neither the Pike patent nor the Stephens patent discloses these features of independent claim 59, the combination of the Pike patent and the Stephens patent would not have led one of ordinary skill in the art to the invention of independent claim 59.

For this reason, independent claim 59 is not obvious over the Pike patent in view of the Stephens patent.

Because independent claim 59 is not obvious over the Pike patent in view of the Stephens patent, dependent claims 60-71 are not obvious over the Pike patent in view of the Stephens patent.

In section 6 of the Office Action, the Examiner rejected claims 20, 21, 51, and 52 under 35 U.S.C. §103(a) as being obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent.

The Ng patent does not make up for the deficiencies of the Pike patent and the Stephens patent.

Therefore, independent claim 1 and 30 are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent. Because independent claim 1 and 30 are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent, dependent 20, 21, 51, and 52 likewise are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent.

Independent claim 7 is directed to a method, performed at a content recipient, of executing first program code at the content recipient so as to receive content from a content provider, executing second program code at the content recipient so as to display the content behind a session if the session is active, and

executing third program code at the content recipient so as to visibly display the content to a user by automatically burning the content through the session.

As discussed above, the Pike patent discloses layering and not burn through. Similarly, neither the Stephens patent nor the Ng patent discloses burn through.

Accordingly, the combination of the Pike patent, the Stephens patent, and/or the Ng patent would not have led one of ordinary skill in the art to the invention of independent claim 7.

For this reason, independent claim 7 is not obvious over the Pike patent in view of the Stephens patent.

Because independent claim 7 is not obvious over the Pike patent in view of the Stephens patent, dependent claims 8-12 are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent.

CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

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